

Remarks

The various parts of the Office Action (and other matters, if any) are discussed below under appropriate headings.

Allowable Subject Matter

The Examiner's indication that claims 14-18 and 24 include allowable subject matter is greatly appreciated.

Claim 14 has been amended to independent form, and now includes features from claim 1. Claim 24 has been amended to independent form, and now includes features from claims 22 and 23. Claims 14 and 24 are believed to be in condition for allowance.

Claim 1 has been amended to include features of claims 2 and 3, which have now been canceled. Claims 5 and 7 have been amended for clarification and claims 8 - 11 have been consolidated in amended claim 8. Claims 9-11 have been canceled. Claims 15, 16 and 22 have been amended for clarity, and dependent claims 25 and 26 have been added.

Withdrawn claims 19-21 also have been canceled, and the application is believed to be in condition for allowance.

Claim Rejections - 35 USC § 102 and § 103

Claims 1, 4-8, 12, 13, 22 and 23 have been rejected under 35 U.S.C. § 102(b) as being clearly anticipated by or under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,433,139 to Kitagawa et al. ("Kitagawa").

As amended, claims 1 and 22 define systems characterized by a monitor or a means for monitoring respectively, that outputs a signal indicative of at least one of: (a) a cumulative amount of carbon dioxide produced and (b) a rate of carbon dioxide production.

In contrast, Kitagawa discloses a gas sensor (44) that serves to detect the density of a volatile gas, such as carbon dioxide. (See Kitagawa, col. 6, lines 45-47.) Kitagawa specifically states that it is the density of carbon dioxide that reflects the condition of the leavening process, and that monitoring the density allows control of the

finishing and baking processes without being affected by differences in the ingredients. (Kitagawa, col. 6, lines 49-59.)

Kitagawa does not appear to disclose monitoring a cumulative amount of carbon dioxide produced or a rate of carbon dioxide production. Consequently, Kitagawa fails to disclose an element of the claimed invention, and thus the claims are not anticipated by Kitagawa.

Moreover, no teaching or suggestion has been found in Kitagawa for outputting a signal indicative of either a cumulative amount of carbon dioxide produced or a rate of carbon dioxide production. In fact, Kitagawa appears to suggest that density alone is sufficient for controlling the finishing and baking processes. Density of a gas varies by temperature and pressure, but is constant at any given pressure and temperature. Since Kitagawa describes blowing air through the chamber, the chamber does not appear to be sealed. Thus the pressure would likely remain constant during the backing process and only the temperature would change. Since the temperature is controlled, it is not clear how changes in density would be of any use in controlling the process. (See Kitagawa, col. 6, lines 38-58 and col. 7, lines 27-38, for example.)

If, on the other hand, Kitagawa means that the percentage of carbon dioxide is being measured, Kitagawa still fails to teach or suggest keeping a record of the cumulative amount of carbon dioxide produced or the rate of carbon dioxide production. Accordingly, it is respectfully submitted that the claimed invention also would not have been obvious to a person of ordinary skill in the art in view of the teachings of Kitagawa.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By Christopher B. Jacobs
Christopher B. Jacobs, Reg. No. 37,853

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Kristine A. Webb
Kristine A. Webb